

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER</b>
	)	
v.	)	
	)	
Scott Howard Johnson,	)	Case No.: 1:23-cr-00092
	)	
Defendant.	)	

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Defendant is charged in a Superseding Indictment with six counts of sexual exploitation of a child in violation of 18 U.S.C. §§ 2251(a) and (e), one count of attempted sexual exploitation of a child in violation of 18 U.S.C. §§ 2251(a) and (e), and one count of possession of images depicting the sexual exploitation of children in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2). (Doc. No. 24).

Following Defendant's detention hearing on May 25, 2023, the court ordered Defendant detained and prohibited Defendant from having direct or indirect contact with any witnesses or alleged victims. (Doc. Nos. 13 and 18).

Defendant's change of plea hearing was held on December 6, 2023. (Doc. No. 38). Sentencing is set for April 2, 2024. (Doc. No. 37).

On January 12, 2024, Defendant has filed a Motion to Amend. (Doc. No. 43). He requests the court amend the May 25, 2023, order and permit him to have contact with his wife, a witness in this matter, and his daughter, a victim. (*Id.*) He asserted that he needs to have contact with his wife, as she is his main support system, and it is vital they communicate about family matters and day-to-day issues that arise during the ordinary course of the marriage. As to his daughter, he claimed that he would like to communicate with her about her new child.

On January 16, 2024, the United States filed a response in opposition to Defendant's motion. (Doc. No. 44). It asserts that the United States is not opposed to the Defendant having telephonic communication with his wife so long as Defendant cannot not have contact with the victim, nor can he have indirect contact with the victim "in any way, shape, or form, and cannot communicate with his wife while she is in the direct presence of the victim." (*Id.*)

The court finds that the Defendant may contact his wife *telephonically*. Defendant shall not have *any* form of contact, whether directly or indirectly, with the victim. Defendant shall not contact his wife while she is in the presence of the victim. If Defendant violates these conditions, his communication privileges with his wife shall be revoked. Accordingly, Defendant's motion is **GRANTED** in part and **DENIED** in part.

**IT IS SO ORDERED.**

Dated this 17th day of January, 2024.

/s/ Clare R. Hochhalter

Clare R. Hochhalter, Magistrate Judge  
United States District Court